

INTRODUCED BY MR. MORRISON,

January 21, 1919.

REFERRED TO COMMITTEE ON MEDICAL AND DENTAL LAWS.

An act authorizing and regulating the practice of chiropractic in the State of California; creating a state board of chiropractic examiners; providing for the appointment of the same; defining its powers, duties and emoluments; to provide a standard of education for chiropractors; to provide penalties for the violation of this act; to provide for the examination and licensing of chiropractors in the State of California, and to repeal any or all parts of any act or acts in conflict with this act.

The people of the State of California do enact as follows:

1 SECTION 1. A board is hereby created and established to be
2 known as the board of chiropractic examiners of the State of
3 California. Said board shall be composed of five persons who
4 are graduates of and hold diplomas issued to them by a legally
5 chartered school or college of chiropractic, after having taken
6 the residence course therein, which said school or college shall
7 have had, at the time of the issuance of said diploma, a resi-
8 dence course of at least one school year of not less than eight
9 months, and each of said persons shall present to the governor
10 satisfactory evidence of good moral character and integrity,
11 and shall have been a citizen of and practicing chiropractic in
12 the State of California for a period of not less than two years
13 next preceding the date of the going into effect of this act; and
14 appointments shall be so made that no two persons shall serve
15 simultaneously as members of said board, whose first diplomas
16 were issued by the same school or college of chiropractic.

17 SEC. 2. The governor of the State of California shall within
18 thirty days after the going into effect of this act, appoint five
19 persons who shall possess the qualities and qualifications as
20 specified and set forth in section one of this act, to constitute
21 the membership of said state board of chiropractic examiners;
22 tenure in office of said members shall be so arranged as to time

1 that one shall serve one year, two shall serve two years and two
2 shall serve the full term of three years. Annually thereafter,
3 or as there may be vacancies on said board, the governor shall
4 appoint members who shall be selected from among those
5 licensed under and by virtue of this act, and who shall possess
6 the qualities and qualifications as specified and set forth in
7 section one of this act. No person in any manner owning any
8 interest in any school, college or institution engaged in chiro-
9 practic instruction shall be appointed to said board. The gov-
10 ernor shall have the power, and upon the presentation of suffi-
11 cient evidence to substantiate the charge, shall remove any
12 member of the board for neglect of duty, incompetency, con-
13 tinued refusal or failure to act in his official capacity on said
14 board, or for unprofessional conduct. Each appointee shall
15 before entering upon the duties of his office, take the constitu-
16 tional oath of office. A license to practice chiropractic within
17 the State of California shall be issued to the individual mem-
18 bers of said first board at the first meeting of said board herein
19 provided, upon the payment of the regular fee as provided for
20 in this act.

21 SEC. 3. Within thirty days after their appointment, and
22 annually thereafter, said board of examiners shall convene and
23 elect from its members a president, secretary and treasurer.
24 Said board shall meet, for the examination of applicants for
25 license to practice chiropractic, on or before the first Tuesday
26 in April of each year, in the city of Los Angeles and on or
27 before the first Tuesday in October of each year in the city of
28 San Francisco; *provided, however,* that additional or adjourned
29 meetings may, at the discretion of the board, be held at any
30 county seat in the state. Notice of each regular or special meet-
31 ing shall be given twice each week for two weeks next preceding
32 each such meeting in one daily newspaper published in the city
33 of San Francisco, one published in the city of Sacramento, one
34 published in the city of Los Angeles and one published in the
35 city of San Diego, which notices shall specify the time and place
36 of meeting for the examination of applicants. The board shall
37 receive, through its secretary, applications for license to practice
38 chiropractic as provided in this act; and shall, on or before the
39 first day of January of each year transmit to the governor of
40 the State of California, a full report of all of its proceedings
41 together with a report of its receipts and disbursements for the
42 year next preceding such report. The board shall, on or before
43 the first day of January of each year, compile a complete direc-
44 tory giving the names and addresses of all persons who hold
45 unrevoked licenses to practice chiropractic in this state, *said*
46 license having been issued under and by the virtue of this act.
47 Said directory shall contain in addition to the names and
48 addresses of said persons, the names and symbols indicating
49 titles or degrees, and the names of the schools or colleges having
50 conferred such degrees or titles upon each of said persons, and
51 the date of issuance, by the board, of said license. It shall be
52 the duty of any person holding license under this act, to report

1 immediately each change of address, giving both the old and
2 new address.

3 SEC. 4. The office of the board shall be in the city of Sacra-
4 mento. Suboffices may be established in Los Angeles and San
5 Francisco, and such records as may be necessary may be trans-
6 ferred temporarily to such suboffices. Legal proceedings
7 against the board may be instituted in any one of said three
8 cities.

9 SEC. 5. The board shall adopt a seal, which shall be affixed
10 to all licenses issued by it, and may from time to time adopt
11 such rules as may be necessary to enable said board to carry
12 into effect the provisions of this act. It shall require the affirm-
13 ative vote of three members of said board to carry any motion
14 or resolution, to adopt any rule, to pass any measure, or to
15 authorize the issuance of any certificate provided for in this act.
16 The board shall issue a certificate to any applicant who shall
17 fulfill the requirements of this act. Any member of the board
18 may administer oaths in any matter pertaining to the duties of
19 the board, and the board shall have authority to take evidence
20 in any matter cognizable by it. The board shall keep a record
21 of all its proceedings, a part of which record shall consist of a
22 register of all applications for license to practice chiropractic,
23 and the action of the board upon each such application.

24 SEC. 6. The board is authorized to prosecute all persons
25 guilty of violation of this act, and shall have power to employ
26 legal counsel for such purposes, and shall employ such clerical
27 assistance as it may deem necessary. The board shall fix the
28 salary of the secretary not to exceed the sum of one thousand
29 two hundred dollars per annum, and the sum to be paid to other
30 members of the board not to exceed ten dollars per diem each,
31 for each day of actual service in the discharge of official duties
32 of said board, and the board may at its discretion add to said
33 sum necessary traveling expenses of members to and from the
34 place of the meeting of the board.

35 SEC. 7. All fees collected on behalf of the state board of
36 chiropractic examiners of California, and the receipts of all
37 funds shall be reported at the beginning of each month for the
38 month preceding to the state controller, and at the same time
39 the entire amount of such collections shall be paid into the
40 treasury of the state and shall be credited to a fund to be known
41 as the state board of chiropractic examiners' contingent fund,
42 which fund is hereby created. Said contingent fund shall be
43 for the use of the state board of chiropractic examiners, and
44 from it shall be paid all salaries and other expenses necessarily
45 incurred in carrying into effect the provisions of this act. An
46 amount not to exceed one thousand dollars may be drawn from
47 the contingent fund herein created, said amount to be used as
48 a revolving fund where cash advances are necessary. All
49 expenditures from said revolving fund shall be substantiated
50 by vouchers and itemized statements at the end of each fiscal
51 year or at any time when demand therefor is made by the
52 board of control.

1 SEC. 8. Every applicant for a license to practice chiropractic shall pay to the secretary of the board a fee of twenty-five dollars, which shall be paid to the treasurer of the board by the secretary thereof. In case the applicant's credentials are insufficient, or in case he does not take the examination, the sum of fifteen dollars shall be returned to said applicant.

2 SEC. 9. One form of certificate shall be issued by the board
3 of chiropractic examiners of the State of California, which said
4 certificate shall be designated "license to practice chiropractic"
5 and shall authorize the holder thereof to practice chiropractic
6 in the State of California; *provided, however,* that said certificate
7 shall not authorize the holder thereof to administer any
8 drug or drugs, or what are known as medicinal preparations,
9 to, or in any manner penetrate or sever the tissues of human
10 beings, or to practice obstetrics.

11 SEC. 10. Every applicant for license must file with the
12 board at least two weeks prior to the regular or special meeting
13 thereof, satisfactory evidence of good moral character, and
14 every applicant must show that he has attended two courses of
15 study, each such course to have been of not less than thirty-two
16 weeks duration and not less than one thousand hours for each
17 of such courses, or a total time of not less than sixty-four
18 weeks and two thousand hours; *provided, however,* that said
19 courses shall not necessarily have been pursued continuously
20 or consecutively. Every application shall be made upon
21 form furnished by the board, which form shall contain such
22 information concerning the instruction and the preliminary
23 education of the applicant as this act provides; *provided, how*
24 *ever,* that nothing in this section shall be construed as to apply
25 to applicants for examination as set forth in section eighteen
26 of this act. In addition to the requirements hereinbefore pro
27 vided, on or after the first day of September, 1921, every appli
28 cant for a license as herein provided, shall present to the board
29 satisfactory evidence that he is a high school graduate or the
30 equivalent thereof. Every applicant shall make affidavit, stat
31 ing that each and every statement made in, and all entries
32 made upon, the application presented by him to said board
33 are correct and true.

34 SEC. 11. Applicants for certificates under this act, except
35 as hereinafter provided and set forth in section eighteen
36 of this act, shall file satisfactory evidence of having pursued
37 a legally chartered school or college of chiropractic the resid
38 course consisting of the following minimum require
39 ments to wit:

40 Group 1—700 hours:

41 Anatomy ----- 600
42 Histology ----- 100

43 Group 2—300 hours:

44 Physiology ----- 250
45 Chemistry and Toxicology ----- 50

| | | |
|----|------------------------------|-------------|
| 1 | Group 3—310 hours: | |
| 2 | Pathology ----- | 240 hours |
| 3 | Bacteriology ----- | 70 hours |
| 4 | Group 4—390 hours: | |
| 5 | Diagnosis or analysis ----- | 300 hours |
| 6 | Hygiene and sanitation ----- | 90 hours |
| 7 | Group 5—300 hours: | |
| 8 | Theory ----- | |
| 9 | Practice ----- | |
| 10 | Technic ----- | 300 hours |
| 11 | | |
| 12 | Total ----- | 2,000 hours |

13 In the course of study as herein outlined, the hours specified
14 shall be actual work in the classroom, laboratory, clinic or
15 hospital, and at least eighty per cent of actual attendance shall
16 be required; *provided, however,* that the hours herein required
17 in any one subject need not exceed seventy-five per cent of the
18 number specified, but that the total number of hours in all
19 subjects of each group shall not be less than the total number
20 specified for such group.

21 SEC. 12. Applicants for certificate of license, as provided
22 for in this act, except as is set forth in section eighteen hereof,
23 shall pass an examination in the subjects, specified in section
24 eleven of this act. All examinations shall be practical in
25 character and shall be according to the teachings of chiro
26 practic, and designed to ascertain the fitness of the applicant
27 to practice chiropractic; and shall be conducted in the English
28 language, and at least a portion of the examination in each
29 subject shall be in writing. There shall be at least ten ques
30 tions on each subject, the answers to which shall be marked
31 on a scale of zero to ten on each question. Each applicant
32 shall obtain no less than a general average of seventy-five per
33 cent, and not less than sixty per cent on any two subjects;
34 *provided,* that any applicant shall be granted a credit of one
35 per cent upon the general average for each year of actual
36 practice since graduation. The examination papers shall form
37 a part of the records of the board and shall be kept on file by
38 the secretary for a period of one year after each examination.
39 In said examination the applicant shall be known and design
40 ated by number only, said number to be assigned by the secre
41 tary of the board, and the name attached to the number shall
42 be kept secret until after the board has finally voted upon
43 the application. The secretary of the board shall in no instance
44 participate as an examiner in any examination held by the
45 board, nor vote upon any application for a certificate of
46 license. All questions on all subjects in which examination
47 is required under this act shall be provided by the board upon
48 the morning of the day upon which examinations are given in
49 said subjects; and when it shall be shown that the secretary
50 or any member of the board has in any manner given any
51 information, in advance or during examination, to any appli

1 cant it shall be the duty of the governor to remove such person
2 from the board of examiners or from the office of secretary.

3 SEC. 13. Said board shall revoke the certificate of license
4 issued under this act to any person guilty of unprofessional
5 conduct. Said board shall adopt rules of practice and pro-
6 cedure pursuant and under and by virtue of the laws of the
7 State of California, by which any person charged with unpro-
8 fessional conduct may be tried. In every instance where a
9 person is charged with unprofessional conduct, such person,
10 before suspension or revocation of his license shall be cited to
11 appear and be given an opportunity to defend himself by
12 counsel or otherwise in said trial by said board. In the event
13 the certificate of license of any person is revoked or suspended,
14 the secretary shall enter upon the register the fact of such
15 suspension or revocation, under the seal of the board, to the
16 county clerk of the county or counties in which the certificate
17 of the person whose certificate has been revoked is recorded at
18 the time of such revocation. The words "unprofessional con-
19 duct" as used in this act, are hereby declared to mean:

20 *First*—The procuring or aiding or abetting in the procuring
21 of a criminal abortion.

22 *Second*—The wilfully betraying of a professional secret.

23 *Third*—All advertising which is intended to or has
24 tendency to deceive the public or impose upon credulous or
25 ignorant persons, and so be harmful or injurious to the public
26 morals or safety, or the advertising of a chiropractor that he
27 is practicing medicine, surgery or osteopathy or any other
28 system or mode of treating the sick or afflicted in the State of
29 California, for which he does not at the time of so doing hold
30 an unrevoked certificate of license to practice such method or
31 system issued to him by a board, which said board has been
32 legally constituted and established by law in the State of
33 California.

34 *Fourth*—All advertising of any means whereby the monthly
35 periods of women can be regulated or the menses reestablished
36 if suppressed.

37 *Fifth*—Conviction of any offense involving moral turpitude
38 in which case the record of such conviction shall be *prima facie*
39 evidence.

40 *Sixth*—Habitual intemperance.

41 *Seventh*—The personation of another licensed chiropractor.

42 *Eighth*—The use, by the holder of a license issued under
43 this act, in a sign or advertisement in connection with
44 practice, of any fictitious name.

45 *Ninth*—The use by a holder of a license to practice chiro-
46 practic of any drug or what is known as medicinal prepara-
47 tion or upon the body of human beings, or the puncturing
48 severing of the tissues of the body or bodies of human beings.

49 *Tenth*—Advertising, directly, indirectly or in substance
50 upon any card, sign, newspaper advertisement, or other written
51 or printed sign or advertisement, that the holder of such certificate
52 or any other person, company or association by which

1 or she is employed, or in whose service he or she is, will treat,
2 cure or attempt to treat or cure, any venereal disease, or will
3 treat or cure, or attempt to treat or cure, any person afflicted
4 with any venereal disease, lost manhood, sexual weakness; or
5 being employed by, or being in the service of any person, com-
6 pany or association so advertising.

7 *Eleventh*—The use by the holder of a license to practice
8 chiropractic of the letters "M. D." or the words "doctor of
9 medicine," or the term "surgeon," or the term "physician,"
10 or the word "osteopath," or the letters "D. O.," or any other
11 letters, prefixes or suffixes, the use of which would indicate
12 that he was practicing a profession for which he held no license
13 from the State of California.

14 *Twelfth*—The procuring of a license, as issued under this
15 act, by fraud or misrepresentation.

16 SEC. 14. Every person holding a certificate of license
17 authorizing him to practice chiropractic as set forth in this
18 act shall file said certificate of license for record in the office
19 of the county clerk of the county or counties in which the
20 holder thereof shall practice, and the fact of such recordation
21 shall be endorsed on said certificate by the clerk of the county
22 or counties in which said certificate of license is recorded; and
23 any person who shall practice chiropractic in any county
24 within the State of California without first having filed his
25 certificate with the county clerk or clerks of the county or
26 counties in which said person shall practice as provided herein
27 shall be guilty of a misdemeanor and shall be punished by a
28 fine of not more than one hundred dollars, or by imprisonment
29 of not more than sixty days or by both such fine and imprison-
30 ment.

31 SEC. 15. The clerk of the several counties shall keep in a
32 book provided for the purpose a complete list of all certificates
33 of license as provided in this act, and the dates of filing of said
34 certificates, and said record shall be open to the public for
35 inspection during office hours.

36 SEC. 16. Any person who shall practice, or attempt to
37 practice, or who shall advertise or hold himself out as prac-
38 ticing chiropractic in the State of California without having
39 at the time of so doing a valid and unrevoked certificate as
40 provided in this act, or who shall in any sign or advertisement
41 use the letters "D. C." or the words "doctor of chiropractic,"
42 or the term "chiropractor" or any other letter or letters or
43 word or words, indicating thereby that he is practicing, or
44 entitled to practice chiropractic in the State of California,
45 without having at the time of so doing a valid and unrevoked
46 certificate of license as provided in this act, shall be guilty of
47 a misdemeanor and upon conviction thereof shall be punished
48 by a fine of not more than six hundred (600) dollars or by
49 imprisonment in the county jail for a term of not more than
50 one hundred and eighty (180) days, or by both such fine and
51 imprisonment. Upon conviction of a person for violation of

1 this act, the fine, when collected, shall be paid to the state
2 treasurer and a report thereof made to the state controller.

3 SEC. 17. Nothing in this act shall be construed to prohibit
4 service in case of emergency, or the domestic administration of
5 chiropractic, nor shall this act apply to any chiropractor from
6 any other state or territory who is actually consulting with
7 licensed chiropractor in this state; *provided*, that such con-
8 sulting chiropractor shall not open an office or appoint place to
9 receive patients within the limits of this state; nor shall any
10 thing in this act be construed to prohibit or regulate healing
11 by prayer or religious faith, nor to interfere with the practice
12 of religion in the State of California.

13 SEC. 18. Any person who shall pay the fee of twenty-five
14 dollars to the secretary of the board prior to July 1, 1919, and
15 submits satisfactory proof of good moral character, and who
16 is a resident of this state and holds a diploma from a legally
17 chartered school or schools of chiropractic, and that said course
18 or courses of instruction pursued shall have totalled not less
19 than one thousand hours, but not necessarily pursued
20 successively nor continuously, and who shall have enrolled in
21 school or college, having issued said diploma, prior to July
22 1918, shall be admitted to an oral, practical and clinical ex-
23 amination, and upon proof of competency in the practice of chi-
24 ropractic, shall be granted a license to practice chiropractic
25 in the State of California.

26 SEC. 19. Any person of good moral character who holds
27 an unrevoked certificate to practice chiropractic, which said
28 certificate was issued to said person by a chiropractic exami-
29 ning board, or by any other board or officer authorized by law
30 to issue a license entitling the holder thereof to practice chi-
31 ropractic in the District of Columbia, or in any state or territory
32 of the United States, or with proof satisfactory to the board
33 of chiropractic examiners of the State of California that a
34 copy of said certificate presented to said board is a true and
35 correct copy, shall upon the presentation of said certificate
36 a copy thereof, to the board of chiropractic examiners of the
37 State of California and payment of the fee of twenty-five
38 dollars, be entitled to and shall receive a certificate of
39 right to practice chiropractic in the State of California after
40 examination; *provided, however*, that the requirements of
41 said chiropractic examining board, or other board or officer
42 of the state having issued said certificate were in no degree
43 particular less than those which were required for the
44 grant of a license to practice chiropractic in the State of Cali-
45 fornia at the time of the issuance of such certificate.

46 SEC. 19a. Chiropractic is hereby declared not to be
47 any mode of treating diseases, injuries, deformities, or
48 physical or mental conditions of human beings. With
49 the meaning of an act entitled "An act to regulate the ex-
50 amination of applicants for license and the practice of those
51 who treat diseases, injuries, deformities, or other physical
52 conditions of human beings; to establish a board

1 examiners, to provide for their appointment and prescribe their
2 powers and duties, and to repeal an act entitled 'An act for the
3 regulation of the practice of medicine and surgery, osteopathy
4 and other systems or modes of treating the sick or afflicted, in
5 the State of California, and for the appointment of a board of
6 medical examiners in the matter of said regulation,' approved
7 March 14, 1907, and the acts amendatory thereof, and also to
8 repeal all other acts and parts of acts in conflict with this act,"
9 approved June 2, 1913, or any act or acts amendatory thereof.
10 SEC. 20. Any or all parts of any act or acts in conflict with
11 this act are hereby repealed.